

The background of the slide is a dark teal color with a pattern of light teal, wavy, concentric lines that resemble topographic map contour lines. On the far left, there is a vertical strip of a grayscale topographic map showing a coastline with yellow contour lines. A solid dark teal horizontal bar spans across the middle of the slide, partially obscuring the background patterns.

The Law of War



LOW


- Why do we need it?
- What is it?
- What do I need to know for the test?

LOW – Why? – It's a great defense

● Combatant Immunity:

- Usually shooting people and blowing up their houses is a violation of domestic law.
- Lawful combatants are immune from civil prosecution for their wartime acts

LOW: Why? - It's the Law!

- 
- CJCSI 5810.01 – “The Armed Forces of the United States will comply with the law of war during the conduct of all military operations and related activities in armed conflict, however such conflicts are characterized.”

So now it's the LOAC



● Purposes:


- Prevent unnecessary suffering
- Safeguard fundamental rights
- Facilitate restoration of peace
- Reciprocity

A vertical strip on the left side of the slide shows a topographic map with contour lines. A yellow line runs vertically through the map, and a white circle with a crosshair is positioned on it. Two white arrows originate from this circle: one points horizontally to the right, and the other points diagonally down and to the right.

Why follow the LOAC?

- Encourages enemy reciprocity
- Decreases enemy resistance
- Promotes internal unit discipline
- Reduces waste and cost of reconstruction
- Increases public support
- Keeps you out of jail

LOAC – What is it?


- 
- Necessity
 - Proportionality
 - Humanity
 - Distinction

A vertical strip on the left side of the slide shows a portion of a topographic map with contour lines and a yellow path. A white circle with a crosshair is located on the map, with two arrows pointing from it: one horizontal arrow pointing to the right and one diagonal arrow pointing down and to the right.

Distinction

- Capability to distinguish between combatants and non-combatants
- Usually applied to weapon systems
- Example: Unobserved landmines cannot tell who steps on them.

Humanity

- 
- Cause minimum suffering necessary to accomplish military objectives
 - Basic principle that underlies the rest of LOAC
 - Can apply to both actions during war, and means and methods of war

A vertical strip on the left side of the slide shows a topographic map with contour lines and a yellow line. A target symbol (a circle with a cross) is located on the map, with two arrows pointing from it: one horizontal arrow pointing to the right and one diagonal arrow pointing down and to the right.

Necessity

- Only attack targets necessary to achieve valid military objectives
- Use lawful means and methods

A vertical strip on the left side of the slide shows a topographic map of a coastline. A yellow line runs vertically along the coast. A white circle with a crosshair is positioned on the map, with two white arrows pointing outwards from it: one horizontally to the right and one diagonally down and to the left.

Proportionality

- The anticipated loss of life / damage should not be excessive when compared to the concrete and direct military advantage gained.
- Again – use of lawful means & methods




Proportionality and Necessity

- Goal:

- Limit unnecessary suffering
- Minimize collateral damage

- Focus - Weapon effects on “innocent” persons and property


Proportionality example

- 
- Enemy soldier is standing out in the open desert with a pistol talking on his cell phone.
 - You are in concealed position, only weapon is radio for B-52 strikes.
 - Does the LOAC allow you to hit him with a stick of 2000 LB unguided bombs?


Proportionality example cont.

- Bombs Away!
- Little likelihood of collateral damage or unnecessary suffering
- In a crowded marketplace, then a different answer
- Not a weapons use issue – but might be in ROE

Necessity example

- 
- Intel indicates that Saddam Hussein is eating lunch in a restaurant in downtown Baghdad. It is lunchtime, and possibly up to 30-40 other people may be eating there.
 - Can we drop a JDAMS on the restaurant?

Necessity example cont.

- 
- They probably all liked the guy anyway.
 - With the chance to end the war, the likely military gain outweighed the potential for collateral damage. Couldn't bomb restaurant to kill his driver.
 - What if you doubted the intelligence? – maybe a harder question

Means & Methods

- 
- Targets
 - Tactics
 - Techniques

Forbidden Targets



● People

- Non-combatants

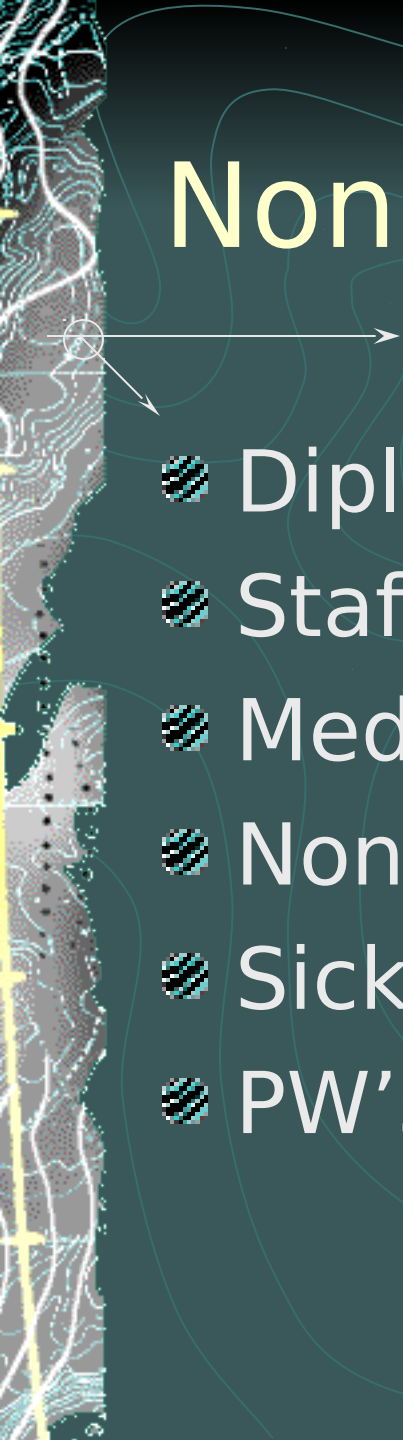
- EPWs

● Places

- Protected symbols

- Protected property

Non-combatants

- 
- Diplomats & Embassy personnel
 - Staff of relief societies
 - Medical personnel & Chaplains
 - Nonbelligerent civilians
 - Sick and wounded
 - PW's


Hors de' Combat





“Protected Person”: Japanese soldiers using Chinese prisoner of war for “bayonet training ”

Hors de' Combat

- 
- A vertical strip on the left side of the slide shows a portion of a topographic map with contour lines and a yellow line, possibly a road or boundary. A white circle with a crosshair is located on the map, with two white arrows pointing from it: one horizontally to the right and one diagonally down and to the right.
- “Out of the battle”
 - Surrendered
 - Prisoner
 - Wounded or sick
 - Cannot engage in hostility, status and intention must be clear



Enemy Captives / Detainees

- Always allow surrender
- Treat humanely
- No coercion
- No killing
- Treat all as EPW until status made clear





EPW (POW)

- Members of Armed Forces, or militia / volunteer corps that:
 - Obey LOW
 - Wear distinctive uniform and carry arms openly
- Civilians accompanying the force:
 - Reporters
 - Contractors
 - Etc.

EPW Status – can you lose it?

LOAC? EPW?


Violates

● Fighting in enemy uniform:	Yes	No
● Fighting in civvies:	Yes	No
● EPW escaping in civvies	No	Yes
● Spying (not recon)	No	No



“Attacking a soldier out of the fight”: Execution of a Vietcong spy by Saigon Police Chief during Tet Offensive

Protected Places

- 
- Protected symbols – Red Cross / Crescent / Red Star of David (Arab countries don't recognize)
 - Protected property – Churches, schools, museums, hospitals, cultural icons
 - Can't be used for military purposes, or lose protection

A vertical strip on the left side of the slide shows a topographic map with contour lines and a yellow line. A small circle is marked on the map, with two arrows pointing from it: one horizontally to the right and one diagonally down and to the right.

Protected places

- Can't be targeted unless they lose protection
- Weigh collateral damage against threat
- May also be guidelines in ROE


Means and Methods




Weapons

- Every weapon in inventory is legal when used as intended

Illegal weapons

- 
- Chemical weapons (includes RCA if used as a weapon of war)
 - Hollow point or “Dum Dum” bullets
 - Blinding lasers (incidental effect is o.k.)
 - Incendiaries – not illegal, but restricted.

Mines and booby traps

- 
- Use strictly regulated
 - Cannot be used indiscriminately – in a way likely to affect non-combatants (no toys)
 - Cannot be used in a way that takes advantage of enemy compliance with LOAC (no booby trapping corpses, medical supplies, etc.)


Forbidden Tactics



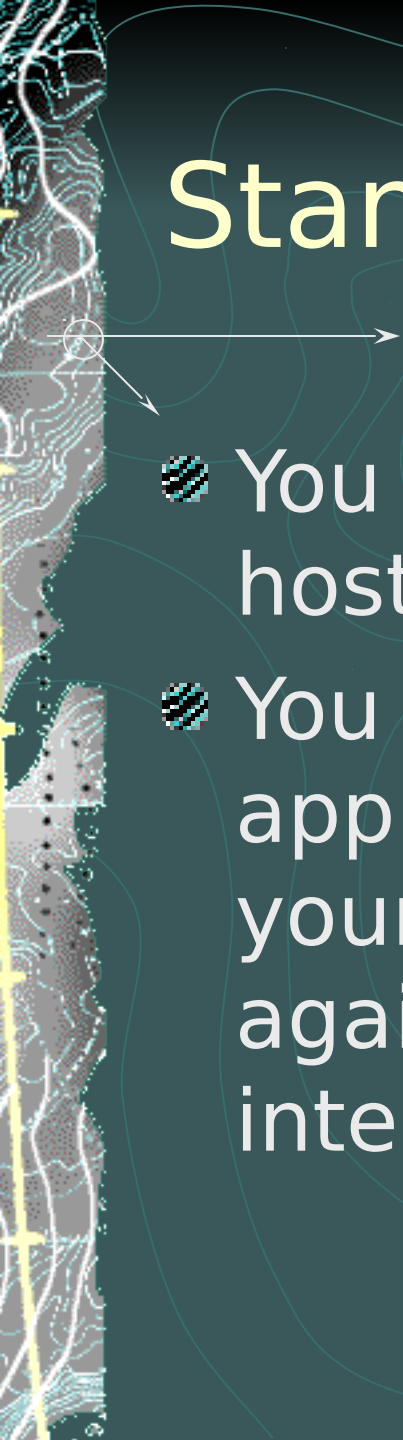
● Treachery and Perfidy

- Misuse of protected symbols or places
- Feigning surrender
- Killing EPW's
- Human shields

ROE

- 
- Special rules that restrict the use of force
 - Limit weapons
 - Restrict targets
 - Designate use of force criteria
 - Apply during military operations
 - In addition to the LOAC
 - Standing v. Mission

Standing ROE

- 
- A vertical strip on the left side of the slide shows a topographic map of a coastline. A target symbol, consisting of a circle with a crosshair, is positioned on the land. Two arrows originate from this target: one points horizontally to the right, and the other points diagonally down and to the right, towards the first bullet point.
- You may engage forces declared hostile
 - You may take all necessary and appropriate measures to defend your unit and other U.S. forces against Hostile acts or Hostile intent



SROE – cont.



● Hostile Act / Hostile Intent:


- Attack or use of force – or threat of force, used either against my unit or other U.S. forces, or to impede my mission or that of U. S. forces.
- Response must be “necessary and appropriate,” the force necessary to stop the hostilities. Proportional to threat.



SROE examples: Hostile Force

- You see a member of a force declared hostile. His back is to you, and he is peeing against a tree. His weapon is against another tree 20 feet away.
- Can you engage?

SROE examples


- 
- Yes – you can engage all forces declared hostile
 - Unless they have somehow become non-combatants (surrendered, or wounded, etc.)
 - Mission, situation or ROE may suggest you try capturing him, but nothing illegal with shooting him.



SROE examples: Hostile Act

- You are driving in an open HUMVEE through a crowd of townsfolk. Suddenly a young boy runs up and grabs your sunglasses and starts running away.
- Can you shoot him?

SROE examples

- 
- A vertical strip on the left side of the slide shows a topographic map of a coastline. A yellow line runs vertically along the coast. Two white arrows originate from a point on the coast: one points horizontally to the right, and the other points diagonally down and to the right.
- No!
 - Cannot use deadly force to defend property except for property designated mission critical, national security, or dangerous weapons.
 - If theft was of a case of grenades, then probably o.k. to use deadly force

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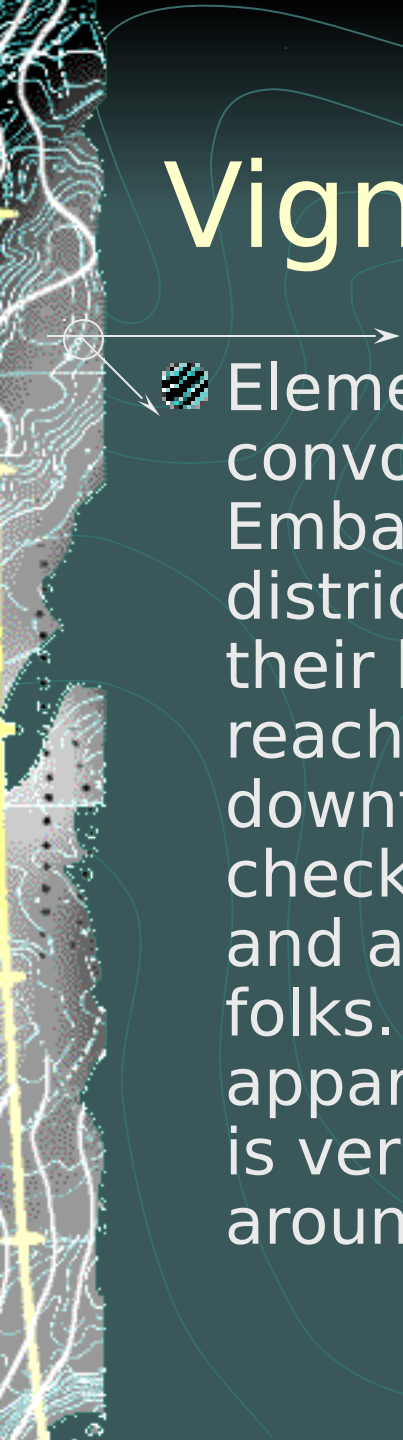


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Vignette – Convoy OPS




● Elements of BLT 1/1 are proceeding in a convoy of 10 vehicles from the American Embassy in Ethiopia towards a residential district to assist Americans who are trapped in their homes due to the fighting and cannot reach the embassy for evacuation. 5K from downtown, the convoy is halted by a checkpoint. The roadblock consists of a sedan and a truck blocking the road, with 8-10 scruffy folks. Through the interpreter you learn the apparent leader will not allow you passage. He is very forceful, though the others are milling around at sling arms. Reaction?


Convoy OPS-1

- 
- Solution – Begin by informing them that they must move their vehicles and allow the convoy to pass.


Convoy OPS - 2

- 
- Now your interpreter and the blocking gang start arguing violently among themselves, with lots of shouting, pointing, and obscene hand gestures.


Convoy OPS - 2

- 
- Maintain your professionalism. Nothing so far justifies the use of force. Make sure you are keeping higher informed of the developing situation, and firmly inform them that they must comply.

Convoy OPS - 3

- 
- One of the men pulls out a pistol and starts waving it in the air. He hasn't pointed it at anyone.

Convoy OPS - 3


- 
- This is potentially threatening. If the situation permits, challenge and warn him to drop the weapon. Use less than deadly force if possible. If he points the weapon at you or your Marines, you may engage him.

Convoy OPS - 4




What if the man points the pistol at one of your Marines?


Convoy OPS - 4

- 
- There is no time to warn, so you are authorized to use deadly force in self-defense, limited in degree, intensity and duration to counter the threat and accomplish the mission. Minimize collateral damage.
 - So no artillery

Convoy OPS - 5

- 
- What if one of the men throws a large rock at your vehicle?


Convoy OPS - 5

- 
- Challenge and warn. Order the man to withdraw. You may use force to detain the individual as a force protection measure. Attempt to de-escalate. Report.


Convoy OPS - 6

- 
- As you approach the barricade, the men rush the road brandishing weapons.

Convoy OPS - 6

- 
- This is a clear indication of hostile intent with no time to warn, so you are authorized to use deadly force in self-defense, limited in degree, intensity and duration to counter the threat and accomplish the mission. Minimize collateral damage.

Sniper - 1


- 
- A vertical strip on the left side of the slide shows a topographic map with contour lines, a yellow line, and a small circle with a crosshair. Two arrows point from this circle towards the text.
- A Marine hears a single shot from an urban area. What is the best response?

A vertical strip on the left side of the slide shows a portion of a topographic map with contour lines and a yellow line. A white circle with a crosshair is on the map, with a horizontal arrow pointing right and a diagonal arrow pointing down and to the left.


Sniper - 1

- A. Drop rifle and run away in terror!
- B. Empty SAW drum hosing down every visible building.
- C. Take cover. Assess the situation. Develop situational awareness


Sniper - 2

- 
- A vertical strip on the left side of the slide shows a topographic map with contour lines, a yellow line, and a small circle with a crosshair. Two arrows point from this circle towards the text.
- You spot the sniper on top of a building. The sniper is firing at civilians, and one civilian has been shot. Is there a basis for returning fire?


Sniper - 2

- 
- A vertical strip on the left side of the slide shows a topographic map with contour lines. A target symbol (a circle with a crosshair) is marked on the map. Two arrows originate from this target: one points horizontally to the right, and the other points diagonally down and to the right.
- You can respond to hostile acts against your unit, U.S. armed forces, or U.S. citizens.
 - Defense of non-U.S. personnel must be specifically authorized. **This should be specifically briefed in the ROE before the operation.**
 - If possible, report to higher before taking action.


Sniper - 3

- 
- A vertical strip on the left side of the slide shows a topographic map with contour lines, a yellow line, and a target symbol. Two arrows point from the target symbol to the text.
- You are authorized to defend non-U.S. civilians. What weapons do you use to engage the sniper?


Sniper - 3

- 
- Indirect fire and area weapons are probably not the best choice in an urban environment.
 - Aimed direct fire to minimize collateral damage and reduce the chance of injury to civilians.
 - If indirect fire is the only option, report to higher before engaging if time allows.


Sniper - 4

- 
- A vertical strip on the left side of the slide shows a portion of a topographic map. It features contour lines, a yellow line, and a small circle with a crosshair. Two arrows originate from this circle: one points horizontally to the right, and the other points diagonally down and to the right.
- Three snipers are located in a wooded area. You call for RWCAS, but the pilot has difficulty getting oriented. Can you employ a WP grenade to mark the position?


Sniper - 4

- 
- A vertical strip on the left side of the slide shows a portion of a topographic map. It features contour lines, a yellow line, and a small circle with a crosshair. Two white arrows originate from this circle: one points horizontally to the right, and the other points diagonally down and to the right.
- Yes. Incendiary munitions may be used for marking or signaling. So as long as you aren't trying to burn them up, you are o.k.


Mobs - 1

- 
- You are in a two vehicle convoy traveling through a traffic circle/market area. Your vehicle stops due to traffic and pedestrian congestion. A mob of unarmed people presses towards your vehicle. What can you do against the mob?


Mobs - 1

- 
- Against unarmed mobs, use the minimum force necessary to repel the threat. Use shouted warnings, pepper spray (if RCA approved). Deadly force is not authorized unless your lives are threatened.


Mobs - 2

- 
- Individuals begin to steal water bottles, a camera, tools and MRE's that are unsecured in the back of your vehicle. Are you authorized to use deadly force to recover these items.


Mobs - 2

- 
- No. Deadly force is only authorized to defend lives, deadly weapons, and classified material. If possible, use force less than deadly force to recover the property, but do not endanger your life or the life of others to recover the property.
 - Can't use deadly force to defend NVGs


Mobs - 3

- 
- Now you spot an individual in the crowd pointing an AK at your convoy. Can you engage?


Mobs - 3

- 
- Yes. You can use deadly force against the threat of deadly force. Use the weapon with the least likely chance of causing collateral damage, the M9 or M16.


Standing guard - 1

- 
- You are manning a checkpoint. An aggressive local man comes up to and grabs your rifle, and tries to take it out of your hands.


Standing guard - 1

- 
- You are faced with imminent threat of death. You can use deadly force to defend yourself. Non-deadly force may be attempted if it could eliminate the threat and ensure your safety.


Black Hawk Down - 1

- 
- During a heavily contested MOUT, a woman continually runs into the street and points out your concealed position for targeting by the enemy. She is unarmed. Each time she marks your position, the enemy fire increases and becomes more accurate. How do you respond?

Black Hawk Down - 1

- 
- If it is possible to control the situation with less-than-lethal force, you may try.
 - Since the woman is actively aiding the enemy's combat effort, she is a combatant and may be engaged.

Black Hawk Down - 2

- 
- During the MOUT, a woman carrying a baby crosses in from of your position. As she crosses, she abruptly turns and raises a pistol towards you with her free hand. Response?

A vertical strip on the left side of the slide shows a topographic map with contour lines and a yellow line. Two white arrows originate from a point on the map: one points horizontally to the right, and the other points diagonally down and to the right.



Black Hawk Down - 2

- Deadly force is authorized to protect yourself and your unit.
- Use well-aimed fires to avoid collateral damage. Apply first-aid to noncombatants if possible.






Violations

- 
- Must report all observed violations of the LOAC
 -  This includes enemy violations



“I was only following orders” and “ambiguous orders” are not a defense to war crimes : Sight of the My Lai Massacre, Mar. 1968, C Co, Task Force Baker, 11th

Summary

- 
- Not rocket science: Use best judgment and “do the right thing.”
 - USMC will back you up: Do your best to follow the rules, and you don’t have to worry